

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA

DOCKET NO. 17,015 ORDER NO. 18,158 ✓

February 11, 1975

IN RE: Sewerage Service in Lakeview)
 Manor Subdivision, Spartanburg)
 County, South Carolina.)

TO: COLONIAL REALTY & CONSTRUCTION CO.

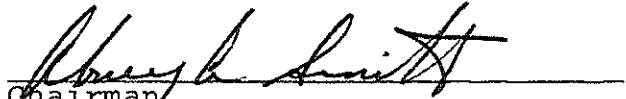
The Public Service Commission, on September 4, 1973, issued its Order No. 17,066, in the above Docket No. to Colonial Realty & Construction Co. (Colonial Construction, Inc.) and Phillips Construction Co. requiring it to show cause why these parties had failed and refused to furnish adequate sewerage service and proper system maintenance in the Lakeview Manor Subdivision in accordance with an agreement between the two parties. Thereafter, on February 13, 1974, a hearing on the matter was held before the Commission, and testimony was taken from the parties and entered into the record; the hearing was recessed until information relating to liens held against the Lakeview Manor Subdivision sewerage system could be provided. Subsequently, on February 14, 1974, July 29, 1974, and September 18, 1974, letters from the Commission's General Counsel were sent to Colonial Realty and Construction Co. requesting this information, but the Company refused to provide same.

It is apparent from the record before the Commission at the initial hearing, from their subsequent nonfeasance and from the continuing failure and refusal of Colonial and Phillips to provide sewerage service which is adequate or sufficient, that Colonial and Phillips have willfully refused to cooperate with this Commission. Therefore, it is the opinion of the Commission, and it so orders, that a Rule to Show Cause should be issued as to why the Certificate of Public Convenience and

Necessity heretofore issued to Colonial Realty & Construction Co. should not be revoked, and why the Commission should not apply to the Court of Common Pleas pursuant to S.C. Code Ann. § 58-150 (Cum.Supp. 1973) to have a reciever appointed to assume possession of the facilities and systems in question.

It is therefore ordered that Colonial Realty & Construction Company (Colonial Construction Company, Inc.) and Gene E. Phillips d/b/a Phillips Construction Company appear before The Public Service Commission in its offices in Room 704, Owen Building, 1321 Lady Street, Columbia, South Carolina, on Tuesday, February 18, 1975, at 2:30 P.M., to show cause, if any they have, why the Certificate of Public Convenience and Necessity heretofore issued to Colonial Realty & Construction Co. should not be revoked, and why the Commission should not apply to the Court of Common Pleas pursuant to S.C. Code Ann. § 58-150 (Cum.Supp. 1973) to have a reciever appointed to assume possession of the facilities and systems in question.

BY ORDER OF THE COMMISSION:


Chairman

ATTEST:


Director-Administrative Services

(SEAL)